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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,198	03/13/2001	Matthew T. Winther	2269-020	3285

7590 09/08/2004
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EXAMINER

SAM, PHIRIN

ART UNIT PAPER NUMBER

2661

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,198

Applicant(s)

WINTHER ET AL.

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Revision (PTO-892)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



PHIRIN SAM

PRIMARY EXAMINER

DETAILED ACTION

Drawings

1. New drawings in compliance with 37 CFR 1.121(d) are required in this application because these drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The formal drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for new drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Lou et al (U.S. Patent 6,778,517).

Lou et al discloses the invention (**claim 1**) as claimed including a communication network for transferring data packets Internet, said customer devices and the Internet, the customer premises, said network comprising:

(a) subscriber nodes located at said customer premises, each of said subscriber nodes interconnected with said customer devices at one of the customer premises for receiving said

data packets from the customer devices (see Fig. 1, element 106, col. 4, lines 49-56, and col. 5, lines 9-16);

(b) control node in wireless communication with said subscriber nodes over a prescribed restricted frequency band, prescribed frequency band being used transmitting said data packets (see Fig. 1, col. 7, lines 48-59, col. 8, and lines 39-47);

(c) a network aggregation node in communication with the control node for enabling transfer of said data packets between said control node and an Internet backbone (see Fig. 3, col. 9, lines 1-19).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lou et al (U.S. Patent 6,778,517) in view of Voit et al (US 2002/0044567).

Regarding claims 2, 3, 5, 11-13, 15, and 18, Lou et al discloses fixed wireless network transferring data packets between customer devices and the Internet, said customer devices being located at customer premises, said network comprising:

(a) subscriber nodes located at said customer premises, each of subscriber nodes including: (a1) antenna mounted to an external portion of one of the customer premises (see Fig. 1, col. 7, lines 65-66, and col. 8, lines 6-9);

(a2) a first unit located proximate said antenna at the external portion of one customer premise (see Fig. 1, col. 7, lines 65-66, and col. 8, lines 6-9);

(a3) second unit located inside of one customer premise, the second unit having a data port in data communication with the customer devices (see Fig. 1, col. 7, lines 66-67, col. 8, lines 1-2);

(a4) a cable having a first end in communication with said router of said first unit and a second end in communication with said data port of said second unit, said cable being configured to convey said data packets between said data port and said router so that said router is interconnected with said customer devices at said one customer premise (see Fig. 1, col. 7, lines 66-67, col. 8, lines 4-5, 9-12);

(b) a control node in wireless communication with said antennas of said subscriber nodes over a prescribed restricted frequency band, said prescribed restricted frequency band being used for transmitting said data packets (see Fig. 1, col. 7, lines 48-59, col. 8, and lines 39-47);

(c) a network aggregation node in communication with said control node for enabling transfer of said data packets between said control node and an Internet backbone (see Fig. 3, col. 9, lines 1-19);

Lou et al does not disclose a router and the router having a processor. However, Voit et al discloses the router and the processor (see Fig. 10, page 19, line [0186]). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the router having the processor teaching by Voit et al with Lou et al. The motivation for doing so would have been to provide to support relatively high bandwidth and utilize the increased bandwidth and support new services see page 5, line [0049]. Therefore, it would have been obvious to combine Voit et al and Lou et al to obtain the invention as specified in the claims 2, 3, 5, 11-13, 15, and 18.

Regarding claim 6 and 16, Lou et al discloses all the limitations. On the other hand, Lou et al does not disclose the router allocates bandwidth for communication of the data packets between t each subscriber node and the control node. However, Voit et al discloses the router allocates bandwidth for communication of the data packets between t each subscriber node and the control node (see Fig. 10, page 5, line [0049]). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the router allocates bandwidth for communication of the data packets between each subscriber and controller teaching by Voit et al with Lou et al. The motivation for doing so would have been to provide enhance the transmission data packets to the subscribers. Therefore, it would have been obvious to combine Voit et al and Lou et al to obtain the invention as specified in the claims 6 and 16.

Regarding claim 7-10, 17, 19, and 20, Lou et al does not disclose the level of service and priority. However, Voit et al discloses the level of service and priority (see abstract, field of the invention, page 5, lines [0054], page 10, line [0113]). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the level of service and priority teaching by Voit et al with Lou et al. The motivation for doing so would have been to provide guarantee and assurance of service. Therefore, it would have been obvious to combine Voit et al and Lou et al to obtain the invention as specified in the claims 7-10, 17, 19, and 20.

Regarding claims 4 and 14, Lou et al discloses the power input (see Figs. 1 and 3, col. 5, lines 40-44).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

(1) Fillebrown et al (U.S. 2001/0054060) discloses personal wireless network.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

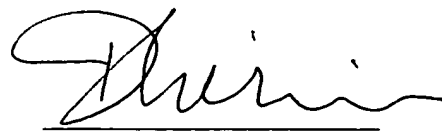
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N Vanderpuye can be reached on (571) 272 - 3078. The fax phone number for the organization where this application or proceeding is assigned is (571) 273 - 3082.

Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: September 7, 2004

A handwritten signature in black ink, appearing to read "Phirin", written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**